IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 3086 of 1995

Between:

1. V. Jaggaiah, s/o Papiah
2. P. Lakshmipathi s/o Pothaiah
3. B.Rajanna s/o Sammaiah
4. R.Yellaiah
5. P. Komaraiah s/o Durgaiah
6. Ch. Narender Reddy s/o Madanmohan Reddy
7. N. Amarsingh s/o Sivya

All are working as Operatives in Sericulture Production Training Centre, Ekkela, Eturunagaram Mandal, Warangal District.

..... PETITIONERS

AND

1 The Commissioner of Sericulture, Government of Andha Pradesh
Samrat Complex, III Floor, Hyderabad.
2 Regional Joint Director of Sericulture, Warangal.
3 Deputy Director of Sericulture, Hunter Road, Hanumakonda, Warangal

District.
4 Assistant Director of Sericulture, Eturunagaram, Warangal Dist.

5 Project Officer, Integrated Tribal Development Agency,
Eturunagaram, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not regularising the services of the petitioners till to-day in the post of operatives in Sericulture Production Training Centre, Ekkela Farm, Eturunagaram Mandalam, Warangal District, and in seeking to terminate their services by 31st March, 1995, as illegal, arbitrary and unwarranted.

Counsel for the Petitioner: MR.S.RANGA REDDY

Counsel for the Respondents. G.P. for Social Welfare

The Court made the following :

O R D E R

This writ petition is filed questioning the action of the respondents in not regularizing the services of the petitioners in the post of Operatives in Sericulture Production Training Centre, Ekkela Farm, Eturunagaram Mandalam, Warangal District.

Counter affidavit is filed by the Assistant Director of Sericulture (4th respondent on the writ petition) wherein a preliminary objection is taken as to the maintainability of the writ petition contending that since it is a service matter, the petitioners should have approached the Andhra Pradesh Administrative Tribunal, Hyderabad.

In view of the judgment of Supreme Court in ***L. Chandra Kumar –v-Union of India,*** the petitioners ought to have approached the Andhra Pradesh Administrative Tribunal, Hyderabad, in the first instance, before invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, and inasmuch as they have not done so, the writ petition is liable to be dismissed.

The writ petition is, accordingly, dismissed.

This order shall not preclude the petitioners, if they so desire, from questioning the action of the respondents in not regularizing their services and approaching the Andhra Pradesh Administrate Tribunal in this regard. No costs.

_____

RAMESH RANGANATHAN, J

7th July, 2005

vp

//TRUE COPY//

SECTION OFFICER

To

1. The Commissioner of Sericulture, Govt. of Andhra Pradesh, Samrat complex, III Floor, Hyderabad
2. The Regional Joint Director of Sericulture, Warangal,
3. The Deputy Director of Sericulture, Hunter Road, Hanumakonda, Warangal Dist.
4. The Assistant Director of Sericulture, Eturunagaram, Warangal Dist.
5. The Project Officer, Integrated Tribal Development Agency, Eturunagaram, Warangal District.
6. 2 CCs to Govt. Pleader for Social Welfare, High Court buildings, Hyderabad (OUT)
7. 2 C.D. copies.